

## REMARKS

The Office Action was based on Claims 1-27. This response amends Claims 1, 3, 5, 11, 15, 18, 20, 24, and 26. Thus, after entry of this response, Claims 1-27 are pending and are presented for further consideration.

### **Response to Rejection of Claims 1-12, 15, 16, 18, 19, and 24-27 Under 35 U.S.C. § 102(b)**

Claims 1-12, 15, 16, 18, 19, and 24-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,890,141 issued to Carney et al. ("Carney"). In view of the claim amendments herein and the following discussion, Applicant respectfully traverses the rejection.

#### **Claim 1**

Claim 1 recites (emphasis added):

A method of determining the accuracy of a check identifier entered by a user from a computer, the method comprising:

**remotely receiving a first check identifier that has been entered by a user from a computer in a non-automated manner**, the check identifier identifying a negotiable instrument;

comparing the first check identifier with checking account records stored in a database;

if the first check identifier does not relate to a checking account record stored in the database, requesting that the user reenter the first check identifier in a non-automated manner thereby obtaining a second check identifier;

comparing the second check identifier with the first check identifier; and

accepting the second check identifier, if the second check identifier is consistent with the first check identifier.

Applicant submits that Carney does not anticipate Claim 1 because it fails to disclose every limitation of Claim 1. For example, Carney fails to disclose "remotely receiving a first check identifier that has been entered by a user from a computer in a non-automated manner." Instead, Carney discloses that "the presented check is then scanned . . . with the payee and other check data included in the captured image." (col. 7, lines 14-17). Thus, Carney discloses inputting check information in an *automated manner* by scanning the physical check upon which the check information is printed. The distinction is that a check identifier entered by a user in a non-automated manner may be subject to human error, while a check identifier entered in an automated manner is generally not subject to human error. Thus, Claim 1 recites a method that,

in certain situations, enhances the reliability of a check identifier entered by a user in a non-automated manner.

While Carney does disclose an operator who visually inspects the scanned-in check information and manually keys in corrected information if it was misinterpreted by the computer (col. 7, lines 50-59), Carney does not disclose that the *first* check identifier is entered by a user in a non-automated manner. Regardless of how the “second check identifier” of Carney is entered, as discussed above, Carney discloses entering the “first check identifier” in an automated manner.

Moreover, Carney does not disclose “remotely receiving a first check identifier.” Indeed, the method disclosed by Carney specifically requires the presence of a physical check to be scanned such that check information is received locally. In contrast, the method of Claim 1 can be practiced in the absence of a physical check and is not subject to the same limitation of Carney that requires check information to be entered locally from a physical check.

For at least the reason that Carney does not disclose every limitation of amended Claim 1, Applicant submits that Carney does not anticipate Claim 1.

Claims 2-4

Claims 2-4, which depend from Claim 1, are patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 1, and because of the additional features recited therein.

Claim 5

Claim 5 is patentably distinguished from Carney for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claims 6-10

Claims 6-10, which depend from Claim 5, are patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 5, and because of the additional features recited therein.

Claim 11

Claim 11 is patentably distinguished from Carney for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 12

Claim 12, which depends from Claim 11, is patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 11, and because of the additional features recited therein.

Claim 15

Claim 15 is patentably distinguished from Carney for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 16

Claim 16, which depends from Claim 15, is patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 15, and because of the additional features recited therein.

Claim 18

Claim 18 is patentably distinguished from Carney for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 19

Claim 19, which depends from Claim 18, is patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 18, and because of the additional features recited therein.

Claim 24

Claim 24 is patentably distinguished from Carney for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 25

Claim 25, which depends from Claim 24, is patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 24, and because of the additional features recited therein.

Claim 26

Claim 26 is patentably distinguished from Carney for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 27

Claim 27, which depends from Claim 26, is patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 26, and because of the additional features recited therein.

**Response to Rejection of Claims 13, 14, 17, and 20-23 Under 35 U.S.C. § 103(a)**

Claims 13, 14, 17, and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carney in view of the knowledge of one of ordinary skill in the art. Applicant respectfully traverses the rejection.

**Claims 13 and 14**

Claims 13 and 14, which depend from Claim 11, are patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 11, and because of the additional features recited therein.

**Claim 17**

Claim 17, which depends from Claim 15, is patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 15, and because of the additional features recited therein.

**Claim 20**

Amended Claim 20 recites (emphasis added):

A check processing system for confirming the correct entry of a check identifier, the check processing system comprising:

a receiving module configured to remotely receive a first check identifier **from a merchant** system and to remotely receive a second check identifier **from the merchant** system, wherein the first and second check identifiers are entered in a non-automated manner;

a searching module configured to search in a database for a record that relates to the received first check identifier, the database being connected to the check processing system;

a requesting module configured to transmit a request **to the merchant** system to request a second check identifier, if the searching module cannot find a record in the database that relates to the received first check identifier;

a comparing module configured to compare the received first check identifier with the received second check identifier to determine if the first check identifier is consistent with the second check identifier; and

an acceptance module configured to accept the received first check identifier as a correct entry, if the comparing module determines that the first

check identifier is consistent with the second identifier, or if the searching module has found a record in the database that relates to the first check identifier.

Applicant submits that amended Claim 20 is not unpatentable over Carney because the combination of Carney with the knowledge of one of ordinary skill in the art does not teach or suggest every limitation of Claim 20. As set forth above, Carney does not disclose a system configured to "remotely receive a first check identifier . . . and to remotely receive a second check identifier . . . wherein the first and second check identifiers are entered in a non-automated manner." Nor would this deficiency have been compensated for by the knowledge of one of ordinary skill in the art.

Moreover, the Office Action states that it would have been obvious to allow a merchant to use the system disclosed in Carney. The applicant respectfully disagrees because Carney specifically limits the use of the system it discloses to a check issuer and a drawee bank. (col. 3, lines 9-17). This is true because the system of Carney relies on the secrecy of an algorithm that is known only by a party who issues a check and a party who draws funds from an account based on the check. Knowledge of this algorithm by other parties, such as a merchant who neither issues the check nor draws funds from an account based on the check, would compromise the ability of the system of Carney to fulfill its stated purpose of protecting against fraud. Thus, it would not have been obvious to allow a merchant to use the system disclosed in Carney.

#### Claims 22 and 23

Claims 22 and 23, which depend from Claim 20, are patentably distinguished from Carney for at least the same reasons articulated with respect to Claim 11, and because of the additional features recited therein.

### **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits that Claims 1-27 are in condition for allowance, and such action is earnestly solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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